

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD ARRINGTON,

Plaintiff,

v.

ERIE COUNTY PRISON,

JOSHUA VOGEL, MICHAEL DEJOHN,

ERIE POLICE DEPARTMENT,

SUSAN MACK, Dr. LASAR, M.D.,

WARDEN SUTTER,

Defendants.

1:23cv285

Electronic Filing

MEMORANDUM ORDER

Plaintiff Richard Arrington (“Plaintiff”) commenced this prisoner civil rights action on or about October 10, 2023. The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D. The case was assigned to United States Magistrate Judge Christopher B. Brown on October 3, 2024, following Judge Eddy's retirement.

The Magistrate Judge's Report and Recommendation (ECF No. 90) filed on May 14, 2025, recommended that 1) the motions to dismiss filed by Defendants Mack, Vogel, the Erie Police Department, Erie County Prison, Warden Sutter, and DeJohn be granted with prejudice and leave to amend be denied as futile; 2) Defendant Asar's motion to dismiss be granted in part and denied in part; 3) the Court decline to exercise supplemental jurisdiction over Arrington's state-law claims; and 4) Arrington's Motion to Expel Immunity of Defendant Judge Susan Mack be denied as moot. The parties were informed that objections to the Report and Recommendation by non-electronically registered parties were due by June 2, 2025, and

objections by electronically registered parties were due by May 28, 2025. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 24th day of July, 2025,

IT IS ORDERED as follows:

1. [18], [28], [35] and [85] - the Motions to Dismiss filed by Defendants Mack, Vogel, the Erie Police Department, Erie County Prison, Warden Sutter, and DeJohn are granted in their entirety with prejudice; these Defendants are dismissed from this civil action; any concomitant request for leave to amend is denied as futile;
2. [84] - the “Motion to Expel Immunity of Defendant Judge Susan Mack” filed by Plaintiff is denied as moot;
3. [42] - the Motion to Dismiss filed by Defendant I. Asar, M.D., is granted to the extent Plaintiff is seeking to assert an alleged HIPAA violation and denied insofar as it seeks to dismiss any medical negligence claim for failure to file a Certificate of Merit;
4. [96] – to the extend plaintiff sought an open-ended extension to file objections in his June 10, 2025, submission, the motion is denied;
5. [99], [100] – the motion for judgment filed by plaintiff is denied; and

Because all federal claims against all defendants have been dismissed, the Court declines to exercise supplemental jurisdiction over any state-law claims against Dr. Asar and St. Vincent Hospital Emergency Dept; accordingly, IT FURTHER IS ORDERED that any state-law claims

against Dr. Asar and St. Vincent Hospital Emergency Dept. are dismissed without prejudice to plaintiff asserting them in state court as authorized by 42 Pa. C. S. § 5103.

The [90] Report and Recommendation of Magistrate Judge Christopher Brown dated May 14, 2025, is adopted as the opinion of the Court. A final judgment order pursuant to Rule 58 will follow.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: RICHARD ARRINGTON
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(Via United States Postal Service mail)

Counsel of record

(Via CM/ECF electronic mail)